



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,720	10/20/1999	JENS-UWE JURGENSEN	450117-02106	3195

20999 7590 12/31/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

NGUYEN, DUNG X

ART UNIT	PAPER NUMBER
----------	--------------

2631

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/420,720

Applicant(s)

JURGENSEN ET AL.

Examiner

Dung X Nguyen

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2, 5 - 9, 11, and 14 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 5, 8, 9, 11 and 14 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed on November 24, 2003 have been fully considered but are moot in view of the new ground(s) of rejection. Claims 1, 3, 4, 10, 12, and 13 have been cancelled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. **Claims 5 and 14 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Dahlman et al. (US patent # 6,222,875 B1).

Regarding claim 5, Dahlman et al. discloses (figure 5):

- At least one despreading unit for despreading an input bitstream with different spreading codes (column 3, lines 14 – 28);
- A set of  $k$  descrambling blocks 60 and 62 of figure 5 per despreading unit,  $k$  being an integer larger than 1,
- Channel estimators  $h^*_1$ ,  $h^*_2$  for generating channel estimation values (column 6, lines 9 – 10);
- Multiplying circuits 72, 74 for multiplying the descrambled process from blocks 60, 62 with channel estimation values  $h^*_1$ ,  $h^*_2$  (column 6, lines 1 – 10).

Dahlman et al. differs from the instant claimed invention that it does not show the respectively  $k$  descrambling units 60, 62 being supplied with the output signal of one despreading unit. However, in this case, despreading then descrambling and vice versa has the same result. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Dahlman et al. to provide the respectively  $k$  descrambling units 60, 62 being supplied with the output signal of one despreading unit for improving the technique of detecting variable data transmission (Dahlman et al., column 1, lines 6 – 9).

Regarding claim 14, the limitations are analyzed in the same manner set forth as claim 5.

4. **Claims 2, 8, 9, and 11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Dahlman et al. (US patent # 6,222,875 B1), further in view of Lee et al. (US patent # 6,389,058 B1).

Regarding claim 2, Dahlman et al. discloses:

- Despreader 50 and despreader 52 of figure 4 for despreading an input bitstream with different spreading codes (column 3, lines 14 – 28);
- A set of  $k$  descrambling blocks 60 and 62 of figure 5 per despreading unit,  $k$  being an integer larger than 1.

Dahlman et al. differs from the instant claimed invention that it does not state that the input data being supplied through a delay line. However, Lee et al. discloses that the input data being supplied through a delay line (column 9, lines 4 – 6 of Lee et al.). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Dahlman et al., and Lee et al to provide the input data being supplied through a delay line for fast acquisition in a CDMA mobile communication system (column 1, lines 12 – 14 of Lee et al.).

Regarding claims 8 and 9, respectively, Lee et al. discloses its invention for using in CDMA mobile communication system (column 1, lines 12 – 14 of Lee et al.).

Regarding claim 11, the limitations are analyzed in the same manner set forth as claim 2.

Art Unit: 2631

***Allowable Subject Matter***

5. **Claims 6, 7, 15, and 16 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Contact Information***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (703) 305-4892. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Ghayour Mohammad H. can be reached on (703) 306-3034. The fax phone numbers for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

DXN

December 04, 2002

  
MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER